

# Overview of IDEA/SPP Early Childhood Transition Requirements

*“Transitioning from Part C Birth to  
Three Connections to the Part B  
619 Program”*

*May 5, 2010*

*Sponsored by the  
South Dakota Department of Education*

**nectac**

# Regulatory Requirements

- **Part C Regulations** *July 1, 1999*  
34 CFR Part 303 Early Intervention Program  
for Infants and Toddlers with Disabilities
- **Part C OSEP Policy Letter to Elder** *February 11, 2004*  
(applicable to current Part C regulations)
- **IDEA 2004** *December 3, 2004*  
20 USC 1400
- **Part B Regulations** *August 14, 2006*  
34 CFR Parts 300 and 301 Assistance to  
States for the Education of Children with Disabilities  
and Preschool Grants for Children with Disabilities

# Federal Context and Accountability

Government Performance and Results Act (GPRA) of 1993 is driving accountability in all federal programs by focusing on performance measurement.

[http://www.whitehouse.gov/omb/mgmt-gpra\\_gplaw2m/](http://www.whitehouse.gov/omb/mgmt-gpra_gplaw2m/)

# Federal Context and Accountability

Programs funded by the Federal government evaluated by Program Assessment and Rating Tool (PART) to measure performance.

[http://www.whitehouse.gov/omb/part/2006\\_part\\_guidance.pdf](http://www.whitehouse.gov/omb/part/2006_part_guidance.pdf)

# Federal Context - IDEA 2004 and the SPP/APR

IDEA 2004 designated the use of a State Performance Plan (SPP) requiring annual reporting on performance and compliance targets for six years.

Transition – Compliance Indicators for Part C and Part B (C8 and B12)

# SPP/APR C-8: Requirements

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. ***IFSPs with transition steps and services;***
- B. ***Notification to LEA***, if child potentially eligible for Part B; and
- C. ***Transition conference***, if child potentially eligible for Part B.

# SPP/APR C-8: Measurement

*continued*

## C-8C Transition Conference

**Exceptional Family Circumstances** States are not required to include in their calculation the number of children delayed due to exceptional family circumstances.

- If included in report, put in numerator and denominator.
- Report on the number of delays separately in discussion

# SPP/APR C-8: Measurement

*continued*

## C-8C – Transition Conference

- Do not include, children whose family did not provide approval to conduct the transition conference.
- Summary for discussion:
  - numbers used to determine calculation;
  - number of delays due to family circumstances;
  - number of children for whom the family did not provide approval for the conference.



# SPP/APR B-11: Requirements

**Indicator 11:** Percent of children who were evaluated within 25 days of receiving parental consent for initial evaluation.

Federal Law allows a state to establish a timeframe within which the evaluation must be conducted.

## SPP/APR B-11: Measurement

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 25 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 25 days (or State established timeline).

Account for children included in a) but not included in b) or c). Indicate range of days beyond timeline when evaluation was completed and any reasons for delays.

Percent = [(b + c) divided by (a)] times 100.

# SPP/APR B-11: Measurement

*continued*

## **Exception to Timeframe for Initial Evaluation (300.301(d))**

- Parent repeatedly fails or refuses to produce child for evaluation
- Child enrolls in another school after timeframe begins but before eligibility determination

## SPP/APR B-12: Requirements

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

## SPP/APR B-12: Measurement

- a. # of children who have been served in Part C and referred to Part B for eligibility determination
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services
- e. # of children who were referred to Part C less than 90 days before their third birthday. (NEW)

# SPP/APR B-12: Measurement

*continued*

Include in discussion of data:

- Numbers used to determine calculation
- Compare results to the target of 100%
- Methods used to collect data
- Range of days for delays beyond third birthday for determining eligibility and IEP development
- Reasons for delays

## ***APR/IDEA Policy Update Late Referral to Part C***

- Child is referred to Part C **less than 45** days before their third birthday – **Part C refers** child and their family **to Part B** under child find requirements
- If steps to initial evaluation for eligibility for Part B begins the **child is included in Indicator B11**. They are **not** included in C8 or B12

## ***APR/IDEA Policy Update Late Referral to Part C***

Child is referred to Part C **between 45-90** days before their third birthday –

- The child is **included** in Indicator **C8A and C8B**.
- The child is **not** included in **C8C** due to insufficient time
- Discuss late referrals in narrative
- May invite LEA to initial IFSP meeting and initial IFSP meeting may serve as transition planning conference



# Transition Timeline and IDEA Requirements



# Notification

C8b

**Notify LEA of children shortly reaching the age of Part B eligibility and those children determined by Part C to be potentially eligible.**

**Age 2 yrs  
3 months**  
27 months

**Age 2 yrs  
6 months**  
30 months

# Notification

*continued*

## PART C REGULATIONS

- Part C notifies LEA that the child will shortly reach the age of eligibility (There is no timeline but it is typically 3-6 months before age three)

## OSEP POLICY LETTER TO ELDER (Texas)

- Part C notifies LEA that the child will shortly reach the age of eligibility at least 90 days or up to 6 months prior to the child's 3rd birthday
- Part C must provide child's name, date of birth, parent contact information

# LEA Response to Notification

LEA treats Part C notification to LEA for a toddler who is “potentially eligible” as ***“Initial Referral to Part B”***.

LEA provides notice of procedural safeguards to child’s parent (300.504 (a)(1))

# Transition Steps/Plan

C8a



# Transition Steps/Plan *continued*

## PART C REGULATIONS

- Facilitated by service coordinator
- IFSP includes steps to support transition of child
  - Discussion with parent about future options
  - Procedures to prepare child and to help adjust
  - Transmitting information to LEA with parent consent
- Explanation of how families will be included in Transition Plan (in Part C Application)

# Transition Steps/Plan *continued*

## PART C REGULATIONS

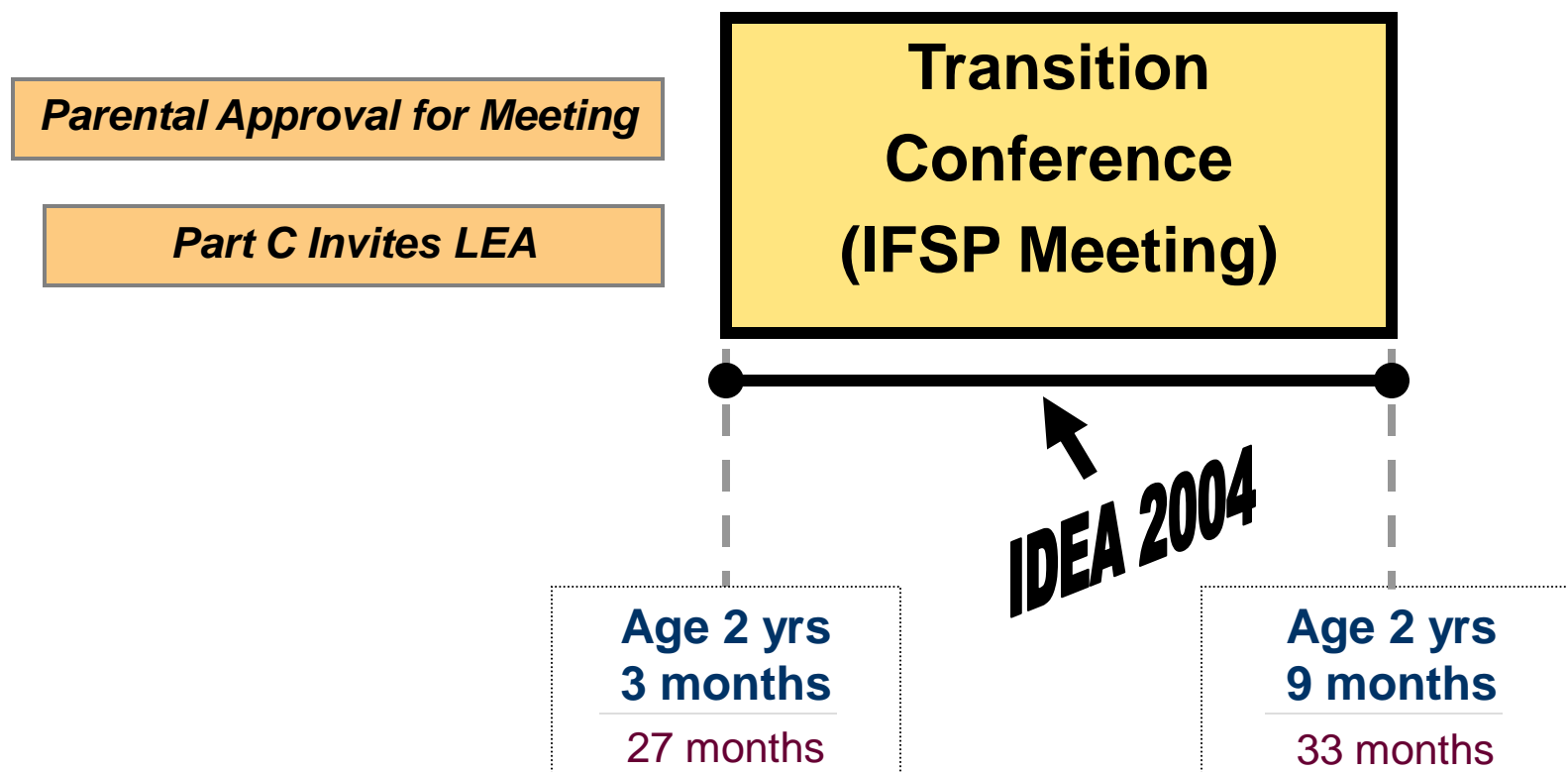
- Nothing about timing in regulations but usually done around time of transition conference. Recommended practice indicates planning occurs earlier.

## IDEA 2004

- Timeline requirement for Transition Conference (**usually when Transition Plan is developed**): **between 90 days** (3 months) and no more than **9 months** before 3rd birthday

# Transition Conference

C8c





# Transition Conference *continued*

## PART C REGULATIONS

- *Approval of family to have a conference*
- *For children who may be eligible, Lead Agency convenes a conference among Lead Agency, family and LEA*
- *For children who may not be eligible, Lead Agency makes reasonable effort to convene a conference among LA, family and providers*

# Transition Conference *continued*

## Part C

- Must be held at least **90 days** before 3rd birthday and up to **9 months** is permitted
- Lead Agency **must** invite LEA unless family refuses
- Part C legally **must** conduct the conference even if LEA does not participate.

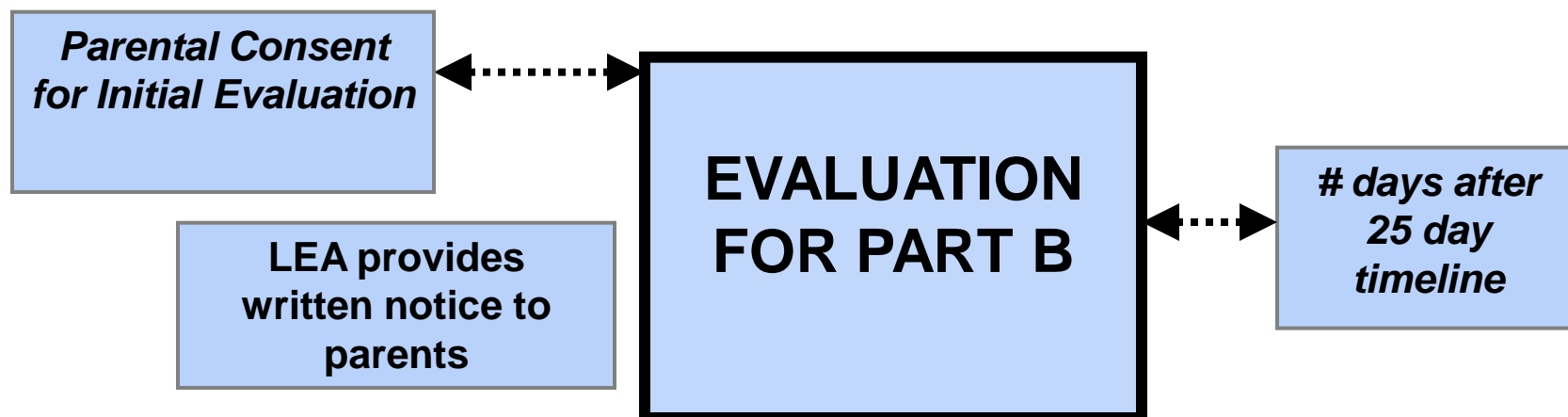
## PART B

- LEA **must have policies** to ensure smooth transition.  
(300.124)
- **(c)** Each affected LEA **will participate in transition planning conferences** arranged by Lead Agency under section 635  
(a)(10) of the act

# Initial Evaluation

**B11**

Evaluation must be completed within 25 days of parental consent (SD state timeframe)



# Initial Evaluation

*continued*

## PART C REGULATIONS

- Review parental consent for necessary release of information

## PART B REGULATIONS

- Must obtain informed consent from the parent before the evaluation
- Must give written notice that describes any evaluation procedures a reasonable time before the evaluation
- Must give copy of procedural safeguards to parents at initial referral or parent request for evaluation

# Initial Evaluation

*continued*

## PART B REGULATIONS

*continued*

- *Evaluation must be conducted **within 25 days** of receiving parental consent (state established timeframe)*
- *Evaluation must be **full and individualized** (in all areas of suspected disability)*
- *Evaluation must be conducted **before provision** of services*

# Additional Evaluation Requirements Related to Initial Evaluation

## PART B REGULATIONS

300.305

*Must Review Existing Evaluation Data on the Child  
Provided by Parents*

*May include Observations*

*May include Part C assessments*

*Then team determines what additional data are  
needed*

# Eligibility Determination



# Eligibility Determination *continued*

## PART B REGULATIONS

- Based on **full and individual** evaluation
- Screening cannot be considered as evaluation for eligibility
- Group of **qualified professionals** and the parent determine eligibility and education needs
- **Copy** of evaluation report and eligibility document given to parent



# Child Outcomes and the Battelle

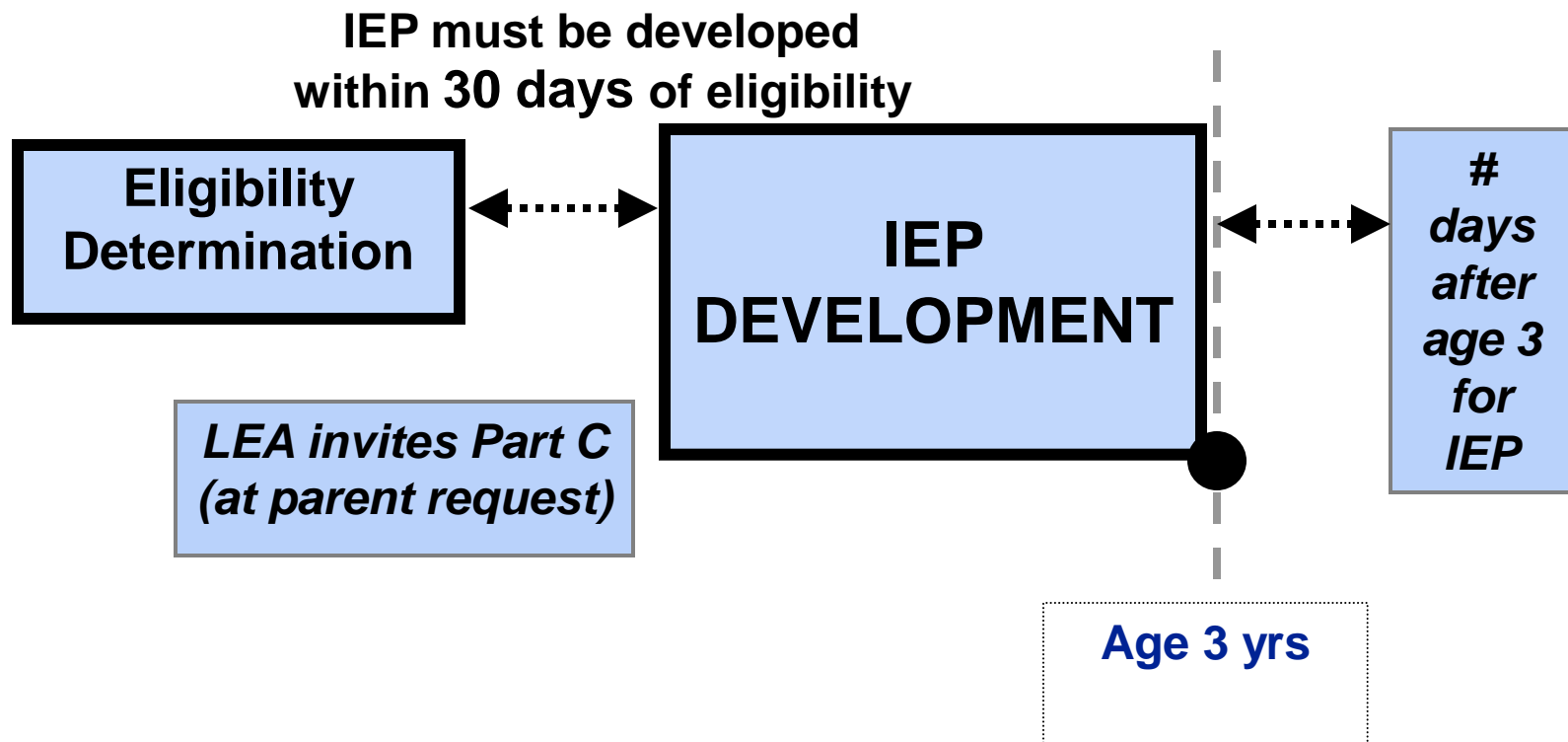
Upon eligibility for Part B 619 program, each LEA ensures all students ages, 3-5 receiving special education services has been given the Battelle Developmental Inventory II (BDI-2).

LEA must ensure that all testing data entered into the online data manager program. All BDI-2 data must be entered into the online data manager by July 1 of each reporting year.

# Child Outcomes and the Battelle

Student age 3-5 eligible for special education services must be tested in all areas of the BDI-2 even if they are only eligible for one area, such as Language or Articulation

# IEP Development

**B12**

# IEP Development and IEP Team

*continued*

## PART C REGULATIONS

- *Part C has policies to review child's program options for period of 3rd birthday through end of school year*

## PART B REGULATIONS

- *An invitation **must, at the request of parents** be sent to Part C service coordinator or other representative of Part C System 300.321(f)*
- *Must **inform** parent of this provision 300.322*

# IEP Development

*continued*

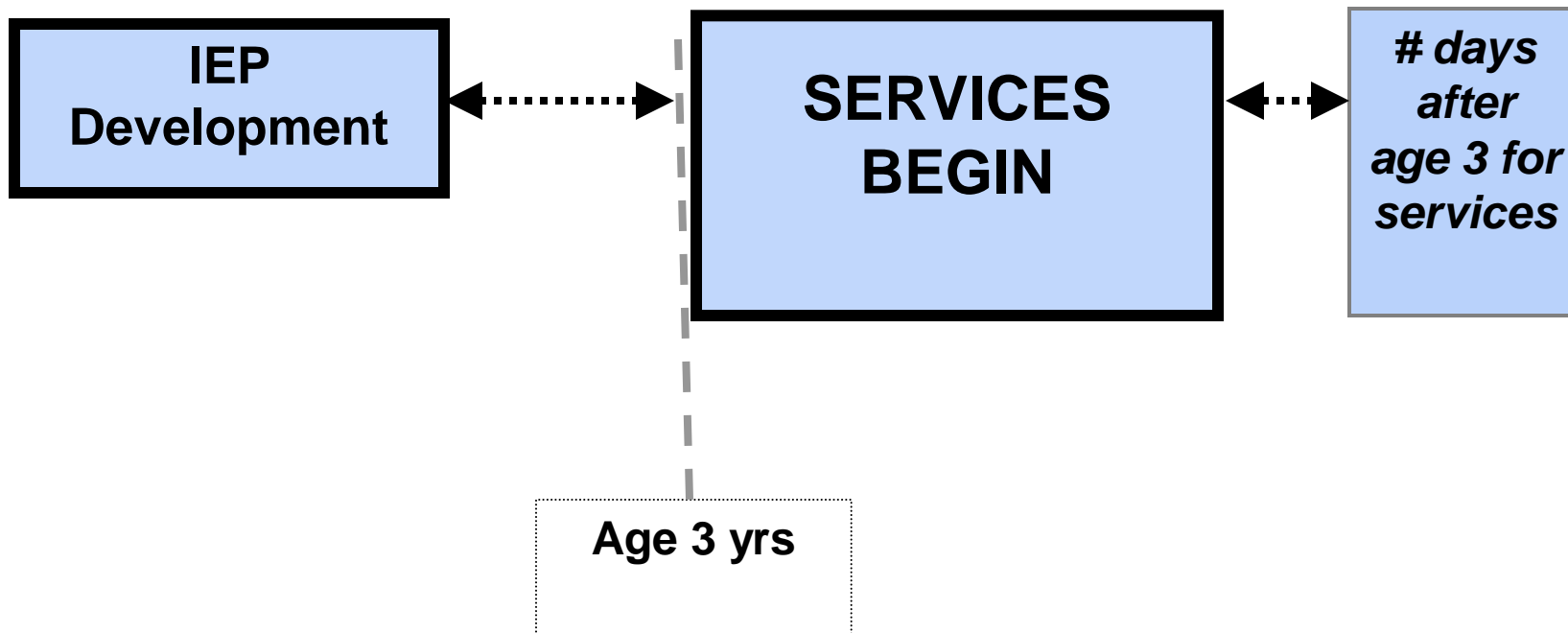
## PART B REGULATIONS

*continued*

- Conducted *within 30 days of eligibility determination*
- IEP Team must *consider IFSP* content
- IEP includes the *projected date* for beginning services
- IEP must be developed *by 3rd birthday*

# IEP in Effect/ Services Begin

as soon as possible  
after IEP development



# IEP in Effect/ Services Begin

*continued*

## PART B REGULATIONS

- Obtain informed consent from parents before provision of services
- By 3rd birthday IEP is being implemented and FAPE is made available
- As soon as possible after IEP development, services are made available
- IEPs may be developed earlier than right at age three due to **date of initiation of services.**

# IEP in Effect/ Services Begin

*continued*

## PART B REGULATIONS

*continued*

- *No delay in implementing IEP is allowed relating to payment source*
- *If 3rd birthday is in summer, IEP Team determines date services begin*
- *IEP Team determines whether extended school year services are necessary for FAPE*
- *SD has special provisions for children categorized as “**prolonged assistance**”*



# Collaboration

Opportunities for interaction/ collaboration/ coordination exist at every step in the transition process

Collaboration is necessary ensure smooth transitions for children and families

# Resources on IDEA and Transition

National Early Childhood Transition Initiative

<http://www.nectac.org/topics/transition/ectransitionta.asp>

SPP/APR Calendar and TA Resources

<http://spp-apr-calendar.rrfcnetwork.org/>

NECTAC Resource Collection on Transition

<http://www.nectac.org/topics/transition/transition.asp>

National Early Childhood Transition Center

<http://www.ihdi.uky.edu/nectc/>

OSEP – IDEA Legacy Site

<http://idea.ed.gov/>